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In re Application of
VRIES et al.
Application No.: 10/500,502
PCT No.: PCT/IB02/05618
Int. Filing Date: 18 December 2002
Priority Date: 04 January 2002
Attorney Docket No.: NL020012
For: SINTERED BODY AND ELECTRIC
LAMP

DECISION ON
REQUEST UNDER 37 CFR 1.42

This is a response to applicants' "Notification of Missing Requirements under 35 U.S.C. 371" filed 22 February 2005 which is being treated as a Request under 37 CFR 1.42. No petition fee is required.

BACKGROUND

On 18 December 2002, applicants filed international application PCT/IB02/05618, which claimed a priority date of 04 January 2002. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 24 July 2003. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 04 July 2004.

On 29 June 2004, applicants filed a transmittal letter for entry into the national stage in the United States accompanied, inter alia, by: the basic national fee; a copy of the international application; and an information disclosure statement.

On 20 December 2004, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring an oath or declaration in compliance with 37 CFR 1.497 and the surcharge fee required under 37 CFR 1.492(e). The notification set a two-month time limit in which to respond.

On 22 February 2005, applicants filed the present petition under 37 CFR 1.42. The declaration is executed by: Franciscus Vries as inventor and Henricus Josephus Kunnen on behalf of deceased inventor, Antonie Kees.

DISCUSSION

37 CFR 1.42 *When the Inventor is Dead*, states, in part:

In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

The declaration filed 22 February 2005 is executed by Henricus Josephus Kunnen as the "legal representative" of Antonie Kees and provides his residence, post office address and country of citizenship. In addition, the declaration provides the residence, post office address and country of citizenship of the deceased inventor. The declaration is acceptable under 37 CFR 1.42 and complies with 37 CFR 1.497(a)-(b).

CONCLUSION

The papers filed under 37 CFR 1.42 are ACCEPTED.

The application has an international filing date of 18 December 2002, under 35 U.S.C. 363, and a 35 U.S.C. 371(c) date of **22 February 2005**.

This application is being forwarded to the National Stage Processing Branch of the International Division for continued national stage processing.



Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3298
Facsimile: (571) 273-0459